

## REMARKS

No claims have been amended. Claim 31 has been canceled. No new claims have been added. Claims 1-30 and 32-44 are pending.

Claims 1-3, 6-19, 23-24, and 37-43 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Jiddou (U.S. Publication 2004/0266392) in view of Wise (U.S. Patent No. 5,826,185). Claims 4-5, 20-22, and 35-36 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Jiddou in view of Wise and Kim (U.S. Patent No. 6,785,561). These rejections are respectfully traversed.

Each pending independent claim recites receiving a request to either use or activate an application. More specifically, claims 1 and 32 recite, *inter alia*, “receiving a request for use of the application,” while claim 14 recites, *inter alia*, “receiving a request for activating the application.”

Claims 1 and 32 further recite, *inter alia*, “adjusting the available resource information according to the use of the application.” Claim 1 further recites, “after said adjusting, transmitting the available resource information to the wireless device,” while claim 32 further recites “after said adjusting, displaying the available resource information to the user.”

Claim 14 further recites, *inter alia*, “adjusting the available resource information to reflect the activation of the application,” and “after said adjusting, displaying the available resource information to the user.”

Jiddou discloses a method for replenishing calling units on a wireless device. Referring to Fig. 2, Jiddou discloses a method in which a subscriber first selects a calling plan (for example, for a telematics unit of an automobile) at step 205. Paragraph [0029]. Once the calling plan has been selected, in step 210, a calling plan configuration signal is sent to the telematics unit of the automobile. Paragraph [0031]. At step 215, the telematics unit then configures the number of calling units stored in the memory based upon the received configuration signal. At step 220, the telemetric unit decrements the stored number of calling units as they are used.

The method further checks to see whether the calling cycle has expired in 225. Paragraph [0032]. If so, the method continues to step 230, which determines whether there is another

calling cycle. If not, the returns to step 205, where the subscribe can select a new calling plan. However, if there is another calling cycle, the method instead continues to step 235, where the number of calling units is restored to an appropriate value. If the calling cycle has not expired, but the calling units of the current cycle have used, the user may either use the telematics unit to purchase a “one time” call unit at step 250, or the user is forced to wait until the next cycle.

Jiddou only discloses a method for replenishing calling units for the use of a telematics unit of an automobile as a wireless communication device. Jiddou does not disclose or suggest the use of any application, and thus does not disclose or suggest any step for “receiving a request for use of the application” (as recited by independent claims 1 and 32) or “receiving a request for activating the application” (as recited by independent claim 14).

The Office Action contains many allegations that Jiddou discloses receiving a request for using or activating an application, each of which, it is respectfully asserted, is in error. These include the following:

#### Claims 1 and 14

With respect to claim 1, the Office Action alleges that “Jiddou discloses a method for tracking use of an application on a wireless device” by citing the Abstract and Fig. 2. With respect to claim 14, the Office Action alleges that Jiddou disclose “a method for tracking use of an application on a wireless device” by citing to the Abstract and Fig. 2. The Abstract states:

The invention provides a method and system for replenishing calling units for a wireless communications device. The method comprises receiving a calling plan configuration signal at the wireless communication device and setting a predetermined calling termination configuration based on the plan configuration signal. The system includes means for receiving a calling plan configuration signal at the wireless communication device; and means for setting a predetermined calling termination configuration based on the calling plan configuration signal.

It is respectfully asserted that the Office Action is in error and the Abstract contains no support regarding tracking usage of any application. Further, Jiddou’s “Brief Description of the Drawings” states that “FIG. 2 is a flow diagram of one embodiment of a method for replenishing cellular phone calling units in a mobile vehicle, in accordance with the current invention.” It is respectfully asserted that the Office Action is in error and Fig. 2 contains no support regarding

tracking usage of any application. Neither the Abstract nor Fig. 2 further disclose or suggest receiving requests for using or activating any application.

### Claim 2

With respect to claim 2, the Office Action alleges that “Jiddou further teaches wherein the application is a wireless communication application” by citing Fig. 1. However, Jiddou’s “Brief Description of the Drawings” states that “FIG. 1 is an illustration of one embodiment of a system for replenishing cellular phone calling units in a mobile vehicle, in accordance with the current invention.” It is respectfully asserted that the Office Action is in error and Fig. 1 contains no support regarding tracking usage of any application. The source of the Office Action’s error may be related to the first paragraph in Jiddou’s Detailed Description, i.e., paragraph [0031], which states:

FIG. 1 shows an illustration of one embodiment of a system for replenishing cellular phone calling units in a mobile vehicle, in accordance with the present invention at 100. Cell-phone unit replenishment system 100 may use current hardware within telecommunication systems and networks that are enabled by code division multiple access technology (CDMA), but implement new software applications and methods to replenish cellular phone calling units.

Here Jiddou is discloses that an application may be used on the cellular phone to help replenish cellular phone calling unit. However, even here, Jiddou is devoid of any disclosure or suggestion regarding tracking of usage of any application, or any step of receiving any request for using or activating an application. In fact, a text search of Jiddou shows that this is the only paragraph causes a hit on the search for the term “application.”

Thus, contrary to the Office Action, Jiddou fails to disclose or suggest “receiving a request for use of the application” (as recited in independent claims 1 and 32) or “receiving a request for activating the application” (as recited in independent claim 14).

Further, as recognized by the Office Action, Jiddou fails to disclose or suggest “after said adjusting, transmitting the available resource information to the wireless device” (as recited by independent claim 1).

Jiddou discloses that the telematics unit (i.e., the wireless device) should determine when there are no available resources and in response either prompt the user to purchase additional resource or block a transaction until a subsequent period. Jiddou therefore fails to disclose or suggest “after said adjusting, displaying the available resource information to the user” (as recited in claim 32), “after said adjusting, displaying the available resource information to the user” (as recited in claim 14), or “wherein ... the display unit also displays the updated available resource information to the user” (as recited in claim 31).

The Office Action additionally cites to Wise and Kim. However, neither Wise nor Kim, whether taken individually, or in combination, discloses or suggests the above quoted limitations from independent claims 1, 14, and 32.

Accordingly, independent claims 1, 14, and 32 are believed to be allowable over the prior art of record. The depending claims are believed to be allowable for at least the same reason as the independent claims.

## CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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